

PTO Form (Rev 4/2000)

OMB No. 0651-.... (Exp. 08/31/2004)

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77858945
LAW OFFICE ASSIGNED	LAW OFFICE 115
MARK SECTION (no change)	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	\\TICRS\EXPORT11\IMAGEOUT 11\778\589\77858945 xml10\RFR0002.JPG
GOODS AND/OR SERVICES SECTION (005)(current)	
INTERNATIONAL CLASS	005
DESCRIPTION	Food for infants
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 04/01/2007
FIRST USE IN COMMERCE DATE	At least as early as 04/01/2007
GOODS AND/OR SERVICES SECTION (005)(proposed)	
INTERNATIONAL CLASS	005
DESCRIPTION	Food for infants
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 04/01/2007
FIRST USE IN COMMERCE DATE	At least as early as 04/01/2007
STATEMENT TYPE	"The substitute (or new, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" [for an application based on Section 1(a), Use in Commerce] OR "The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use" [for an application based on Section 1 (b) Intent-to-Use].

SPECIMEN FILE NAME(S)	\\TICRS\EXPORT11\IMAGEOUT 11\778\589\77858945 xml10\RFR0003.JPG
GOODS AND/OR SERVICES SECTION (029)(current)	
INTERNATIONAL CLASS	029
DESCRIPTION	
Dairy products excluding ice cream, ice milk and frozen yogurt	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 04/01/2007
FIRST USE IN COMMERCE DATE	At least as early as 04/01/2007
GOODS AND/OR SERVICES SECTION (029)(proposed)	
INTERNATIONAL CLASS	029
DESCRIPTION	
Dairy products excluding ice cream, ice milk and frozen yogurt	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 04/01/2007
FIRST USE IN COMMERCE DATE	At least as early as 04/01/2007
STATEMENT TYPE	"The substitute (or new, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" [for an application based on Section 1(a), Use in Commerce] OR "The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use" [for an application based on Section 1 (b) Intent-to-Use].
ADDITIONAL STATEMENTS SECTION	
MISCELLANEOUS STATEMENT	Please delete "The acquired distinctiveness under Trademark Act"
SIGNATURE SECTION	
DECLARATION SIGNATURE	/judy tu/
SIGNATORY'S NAME	Judy Tu
SIGNATORY'S POSITION	Vice President
DATE SIGNED	02/12/2011
RESPONSE SIGNATURE	/judy tu/

SIGNATORY'S NAME	judy tu
SIGNATORY'S POSITION	Vice President
DATE SIGNED	02/12/2011
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Sat Feb 12 18:14:47 EST 2011
TEAS STAMP	USPTO/RFR-75.140.86.238-2 0110212181447365892-77858 945-48005166678b4954f74f5 b1866ac3aa546-N/A-N/A-201 10212170017547120

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OMB No. 0651-.... (Exp. 08/31/2004)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **77858945** has been amended as follows:

EVIDENCE

Evidence-1

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 005 for Food for infants

Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 04/01/2007 and first used in commerce at least as early as 04/01/2007, and is now in use in such commerce.

Proposed: Class 005 for Food for infants

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 04/01/2007 and first used in commerce at least as early as 04/01/2007, and is now in use

in such commerce.

Applicant hereby submits a new specimen for Class 005.

"The substitute (or new, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" *[for an application based on Section 1(a), Use in Commerce]* OR

"The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use" *[for an application based on Section 1(b) Intent-to-Use]*.

Specimen File1

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 029 for Dairy products excluding ice cream, ice milk and frozen yogurt

Original Filing Basis:

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 04/01/2007 and first used in commerce at least as early as 04/01/2007, and is now in use in such commerce.

Proposed: Class 029 for Dairy products excluding ice cream, ice milk and frozen yogurt

Filing Basis: Section 1(a), Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 04/01/2007 and first used in commerce at least as early as 04/01/2007, and is now in use in such commerce.

Applicant hereby submits a new specimen for Class 029.

"The substitute (or new, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" *[for an application based on Section 1(a), Use in Commerce]* OR

"The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use" *[for an application based on Section 1(b) Intent-to-Use]*.

ADDITIONAL STATEMENTS

Please delete "The acquired distinctiveness under Trademark Act"

SIGNATURE(S)

Declaration Signature

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii); and/or the applicant has had a bona fide intention to exercise legitimate control over the use of the mark in commerce by its members. 37 C.F. R. Sec. 2.44. If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods and/or services listed in the application as of the application filing date or as of the date of any submitted allegation of use. 37 C.F.R. Secs. 2.34(a)(1)(i); and/or the applicant has exercised legitimate control over the use of the mark in commerce by its members. 37 C.F.R. Sec. 2.44. The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she

believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /judy tu/ Date: 02/12/2011

Signatory's Name: Judy Tu

Signatory's Position: Vice President

Request for Reconsideration Signature

Signature: /judy tu/ Date: 02/12/2011

Signatory's Name: judy tu

Signatory's Position: Vice President

The signatory has confirmed that he/she is not represented by either an authorized attorney or Canadian attorney/agent, and that he/she is either (1) the applicant or (2) a person(s) with legal authority to bind the applicant; and if an authorized U.S. attorney or Canadian attorney/agent previously represented him/her in this matter, either he/she has filed a signed revocation of power of attorney with the USPTO or the USPTO has granted the request of his/her prior representative to withdraw.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 77858945

Internet Transmission Date: Sat Feb 12 18:14:47 EST 2011

TEAS Stamp: USPTO/RFR-75.140.86.238-2011021218144736

5892-77858945-48005166678b4954f74f5b1866

ac3aa546-N/A-N/A-20110212170017547120

飞鹤

FIRMUS

飞鹤 婴儿配方奶粉
Infant Formula



飞鹤奶粉
中国驰名商标

300克

飞鹤

FIRMUS

飞鹤 婴儿配方奶粉
Infant Formula



每罐净重
900克

900克